

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MARSHA SWANSTROM,)	CASE NO. 4:10CV3035
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
GRANDVIEW LIVING CENTER,)	
)	
Defendant.)	

This matter is before the court on its own motion. [Federal Rule of Civil Procedure 11](#) states that “every pleading . . . must be signed by at least one attorney of record . . . or by a party personally if the party is unrepresented.” [Fed. R. Civ. P. 11\(a\)](#). Further, “[t]he court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney’s or party’s attention.” *Id.*

Plaintiff, who is proceeding *pro se*, failed to sign her Complaint (filing no. [1](#)) and her Motion for Leave to Proceed In Forma Pauperis (“IFP”) (filing no. [2](#)).¹ On February 25, 2010, the Deputy Clerk notified Plaintiff about her signature deficiencies. (Filing Nos. 5 and 6.) The court warned Plaintiff that if she failed to correct these deficiencies within 15 days, her pleadings could be stricken from the record of this case. (*Id.*)

¹Plaintiff’s Complaint is signed by her husband, David L. Swanstrom. (Filing No. [1](#) at CM/ECF p. 6.) However, David Swanstrom is not named as Plaintiff in this matter. (*Id.* at CM/ECF p. 1.) The court notes that pursuant to [Federal Rule of Civil Procedure 17\(c\)\(1\)](#), a duly appointed representative may sue or defend on behalf of an incompetent person. In addition, an incompetent person who does not have a duly appointed representative may sue by a next friend or by a guardian ad litem. [Fed. R. Civ. P. 17\(c\)\(2\)](#). However, a *pro se* litigant who is not an attorney may not represent someone else in federal court. See, e.g., [Osei-Afriyie v. Med. Coll. of Penn.](#), 937 F.2d 876, 882-82 (3d Cir. 1991) (concluding that it is not in the interest of minors or incompetents that they be represented by non-attorneys).

By March 25, 2010, Plaintiff had not corrected her signature deficiencies and the court issued a Memorandum and Order directing Plaintiff to show cause why this case should not be dismissed for failure to comply with [Fed. R. Civ. P. 11](#). (Filing No. [7](#).) In doing so, the court warned Plaintiff that if she did not respond by April 26, 2010, this action would be dismissed without prejudice and without further notice. ([Id.](#)) Plaintiff failed to respond. (See Docket Sheet.)

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice because Plaintiff failed to prosecute this matter diligently and failed to comply with this court's orders;
2. All pending motions are denied as moot; and
3. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 28th day of April, 2010.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

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